

21-2-00429-21
CMP 2Complaint
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LEWIS COUNTY

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SUPERIOR COURT
CLERK'S OFFICEIN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR LEWIS COUNTY

MITCHELL K. DAVIS,

Plaintiff,

vs.

FUJITEC AMERICA, INC., a Foreign Profit
Corporation; NATIONAL ELEVATOR
INSPECTION SERVICES, INC.; and
MICHAEL J. PANZO, an Individual.

Defendants.

No. **21 2 0042921**
COMPLAINT

COMES NOW the Plaintiff, MITCHELL K. DAVIS, by and through his counsel of record, SHANE M. O'ROURKE of BUZZARD O'ROURKE, P.S., and for the causes of action stated herein alleges as follows:

I. IDENTIFICATION OF PARTIES

- 1.1. Plaintiff, MITCHELL K. DAVIS, is now and at all relevant times to this matter a resident of Lewis County, Washington.
- 1.2. Defendant, FUJITEC AMERICA, INC., a Foreign Profit Corporation (UBI No. 600 407 996), is believed to now and at all relevant times to this matter have a principal office located in Tukwila, King County, Washington and an appointed Registered Agent located at 711 Capitol Way S STE 204, Olympia, WA, 98501-1267.

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ORIGINAL

Buzzard O'Rourke, P.S.
attorneys at lawService Address
314 Harrison Avenue
Centralia
Washington
98531Mailing Address
PO Box 59
Centralia
Washington
98531Contact Information
Ph: (360) 736-1108
Fax: (360) 330-2078
buzzardlaw.com

1.3. Defendant, BUREAU VERITAS NATIONAL ELEVATOR INSPECTION SERVICES, INC., f/k/a NATIONAL ELEVATOR INSPECTION SERVICES, INC., a Foreign Profit Corporation (UBI No. 603 083 236), is believed to now and at all times relevant to this matter have a principal office in Missouri and an appointed Registered Agent located at 300 Deschutes Way SW STE 208 MC-CSC1, Tumwater, WA, 98501.

1.4. Defendant, MICHAEL J. PANZO, C#4354, an individual, is presently and at the time of incident believed to be an employee of BUREAU VERITAS NATIONAL ELEVATOR INSPECTION SERVICES, INC., f/k/a NATIONAL ELEVATOR INSPECTION SERVICES, INC., a Foreign Profit Corporation (UBI No. 603 083 236).

II. JURISDICTION AND VENUE

2.1. Plaintiff realleges and incorporates by reference all prior paragraphs as if stated in their entirety.

2.2. This Court has original jurisdiction pursuant to RCW 2.08.010.

2.3. Venue is appropriate in this County pursuant to RCW 4.12.020(3) and RCW 4.12.025(1).

III. ALLEGATIONS

3.1. Plaintiff realleges and incorporates by reference all prior paragraphs as if stated in their entirety.

3.2. On approximately August 6, 2018, Plaintiff was visiting the Henry Jackson Building in King County, Washington when he was injured in an incident in Elevator 13 (hereinafter referred to as the "incident").

3.3. The incident occurred when the Plaintiff became trapped after Elevator 13's doors closed on him. Elevator 13's doors closed on Plaintiff with significant force.



1 3.4. Based on information and belief, Defendant, FUJITEC AMERICA, INC., is
2 responsible for the installation and maintenance of the elevators located at the Henry
3 Jackson Building.

4 3.5. Based on information and belief, Defendant, NATIONAL ELEVATOR
5 INPSECTION SERVICES, INC., is responsible for third-party inspection services of
6 said elevator, and had inspected said elevator and noted defects on prior occasion to
7 incident.

8 3.6. Based on information and belief, Defendant, MICHAEL J. PANZO, was the
9 Qualified Elevator Inspector and Consultant responsible for inspecting said elevator,
10 and had inspected said elevator and noted defects on prior occasion to incident.

11 3.7. Plaintiff was transported from the Henry Jackson Building to the VA Emergency
12 Room following the incident.

13 3.8. Defendants knew and/or should have known the elevator in question was defective,
14 had similar issues in the past, was not repaired properly, and was a danger to the
15 public when operating.

16 3.9. Plaintiff began treating and receiving medical treatment right away after being
17 released from the Emergency Room.

18 3.10. Plaintiff suffered physical and emotional injuries and pain and suffering in an amount
19 to be determined at trial.

20 **IV. CAUSE OF ACTION**

21 a. Plaintiff realleges and incorporates by reference all prior paragraphs as if stated in
22 their entirety.

23 b. As a result of the above-named Defendants' negligence, Plaintiff suffered physical
24 and emotional injuries. Plaintiff's injury caused him lost wages, medical expenses,
25 bodily pain, suffering, and mental anguish.
26



V. PRAYER FOR RELIEF

BASED UPON the above, Plaintiff prays for the following relief from this Court:

- a. For Judgment against Defendants, FUJITEC AMERICA, INC., BUREAU VERITAS NATIONAL ELEVATOR INSPECTION SERVICES, INC., f/k/a NATIONAL ELEVATOR INSPECTION SERVICES, INC., and MICHAEL J. PANZO, in favor of Plaintiff for damages in an amount to be determined at trial;
- b. For pre-Judgment interest on the medical bill damages at twelve (12) percent or the highest allowed under the law, whichever is greater;
- c. For any and all other relief the Court finds, just, equitable, and/or legal; and
- d. Reserve other claims for trial.

DATED THIS 27th day of July, 2021.

SHANE M. O'ROURKE, WSBA No. 39927
Of Attorneys for Plaintiffs
314 Harrison Ave, Centralia, WA 98531
Tel: 360.736.1108

DECLARATION BY PLAINTIFF

I, MITCHELL K. DAVIS, declare as follows:

1. I am over 18 years of age, the Plaintiff herein, and in all respects am competent to testify in this matter.
2. I have read the above *Complaint*, and I believe it to truly and accurately represents my claim and the associated facts. I adopt the *Complaint* language as my own.

Signed this _____ day of July, 2021 at Chehalis, Washington.

MITCHELL K. DAVIS, Plaintiff

